1935

Department of Bd. of Rev.

OFFICE Sep. Rev.

STATION Madras.

Seen by M

D No. 358

Mis. (Stamps)

Dated 21-6-35

Rec'd on 24/6/35

Rec'd 24.6

Pages in the file

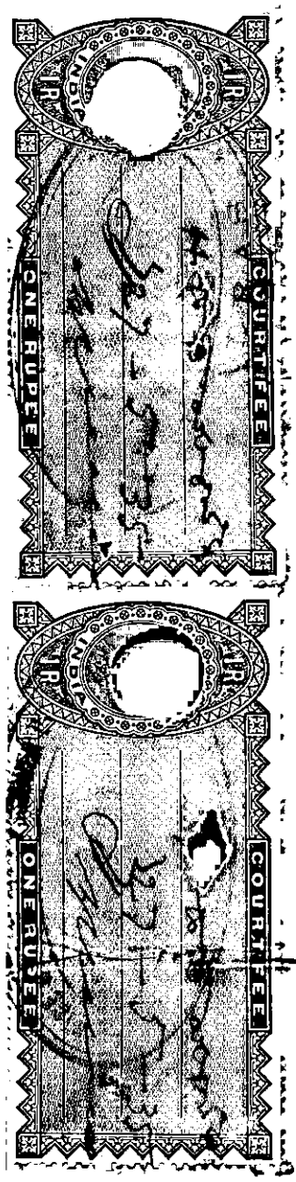
DEPARTMENT
24 JUN 1935

(SUBJECT.)

Stamps — Non-judicial — Spoiled — Refund of value — Application from M. Hiriyanna Shetty, Kalabi village, Coondapoor Taluk Rejected

To,

The Board of Revenue,
Land Revenue



1611

Humble petition of H.Hiriyanna Shetty nephew of Huyyur Nagayya Hegde, ----- residing in Haladi Village, Coondapoor Taluk, care of Mr.B.M.Hegde, Advocate, Mangalore, South Kanara, Dated. 21-4-1935

Most Respectfully showeth:-

1. The Petitioner is the nephew of Huyyur Nagayya Hegde now deceased. The said Nagayya Hegde, during his life time - obtained a non-judicial stamp paper of the value of Rs.150/- through one Shrinivas Upadyaya, of Pandeshwar from the Taluk office, Mangalore on 30-8-1934 with the intention of ----- securing a gift deed in respect of some immoveable property from his mother.

2. That owing to illness of the said Nagayya Hegde's mother the contemplated gift-deed was not reduced to writing till June 1925 and that, when the said deed was reduced to ----- writing, it could not be registered on account of some --- difference that arose in our family between Nagayya Hegde on the one hand and the rest of the members on the other side.

3. That after some time, the said Nagayya Hegde ----- fell ill and did not recover from his illness but succumbed to it eventually, in 1933.

5

Before the Board of Revenue, Land Revenue,

M A D R A S.

H. Hirianna Shetty———— Petitioner.

AFFIDAVIT.

I, H. Hirianna Shetty, nephew of H. Nagayya Hegde, aged about 22 Nadava, residing in Haladi village, Coondapoor Taluk do hereby solemnly affirm and state as follows:——

1. I am the Petitioner herein.

2. I say my uncle now deceased has obtained from the Taluk Office, Mangalore, Non-Judicial stamp paper of the value of Rs 150/- in the name of Shrinivasa Upadya of —— Pandeshwar on 30-8-1924.

3. I say that on account of circumstances mentioned in the petition enclosed herewith, the said stamp paper (Y) could not be used and the same is produced along with the petition.

pp 1-3 above

4. I say that my uncle obtained the said Stamp paper with the bonafide intention of using it for the purpose of the execution of the Gift deed and on account of the circumstances which he could not control the said stamp paper remains unused.

4. That owing to the ~~aforesaid~~ aforesaid circumstances, the gift deed was not executed and the aforementioned stamp --- paper, which is produced herewith, could not be utilised.

(Y)

5. The petitioner humbly begs to submit that he is --- the legal heir of the said Nagayya Hegde and after him, - he is entitled to all moneys belonging to him and henow--- -therefore-prays that the Hon'ble Board may be pleased to - order refund of the amount, paid for the stamp paper produced herewith.

For which act of kindness, I shall ever be in duty bound and grateful,

Dated. 21 - 35.

Honnamma Shetty-

Petitioner

5. I pray, therefore, that the Hon'ble Board be pleased to grant the refund of the said Stamp paper; otherwise he will be put to heavy loss.

6. All this is true. Veriamma Shetty

Solemnly affirmed and signed before me the contents of the above affidavit having been read over and translated into Kanarese, the language known to the deponent and admitted by him to be correct this 21 8th day of ~~June~~ April 1935.

Divisional Board member

C.R.No.1611 Mis./35-E.

Stamps-Non-judicial- Spoiled- Refund of value- Application from U.Hiriyanna Shetty, Haladi village, Coondapoor Taluk.

From the petitioner, dt 21-4-35, received on 5-6-35.

Please see the petition on pp.1-3 c.f. for refund of value of a spoilt non-judicial stamp paper worth Rs.150/-. It has been spoilt by the writing of a deed of gift. The stamp was purchased on 30-8-34 and according to the petitioner, the deed was drawn on it in June 1935, which could not be registered owing to differences between the donor of the proposed gift and other members of the family.

The case for refund prefers falls under Sec.49 (1) (c) of the Stamp Act and by Sec.50 (1), the application for refund should be made within two months of the date of the instrument. The application to the Board is received on 5-6-35 and is long out of time.

But under [redacted] S.C. No.331(C.M.) of the Rules framed, the Board is empowered to dispose of applications of the kind without any time-limit. The owner of the stamp paper was reported to have died only in June 35, could hardly have had the requisite stamp within the time-limit, so that the document could not be registered. There are no extraordinary circumstances in the present case to call for the exercise of discretionary powers to be exercised in favour of the petitioner. Hence orders whether the refund applied for may be refused.

5-6-35

Rejected — Refund

18.6.35

P.T.O.

10

Sir,

Draft Resolution submitted below.

The endorsement "Refund refused" on the face of the stamp paper at (Y) may be attested by the Secy.

Rmbss

dev
4-6-35.

Rmbss

C.F.16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

Stamps — Non-judicial — Spoiled — Refund of value — Application from H. Hiriyamma Shetty, Haladi village, Coondapoor Taluk — Rejected.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. ~~From the~~ Petition of 21-4-35 from H. Hiriyamma Shetty. No. _____, dated _____ 19____.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ ~~Ms.~~ / Resolution ~~Rout.~~ No. C.R. 1611 Mis. 35, dated _____ 19____.

The Bd. sees no reason to grant the refund applied for by the petitioner.

Rs 21635

Rev
4.6.35

4.6.35

To

Mr. H. Hiriyamma Shetty
nephew of Hunyur Nagarya Hegde,
~~Haladi village~~
C/o Mr. B.M. Hegde, Advocate,
Mangalore ~~Coondapoor Taluk~~
(with a spoilt stamp paper
worth Rs. 150/- retd by R.P.)

~~Copy to the Collr.~~

ATTACHED
DEC'R
25 JUN 1935